Paper 19

Filed by:

Merits Panel
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Board of Patent Appeals and Interferences
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

HIROSHI **HAMAMOTO**, YOSHINORI SUGIYAMA, NORIAKI NAKAGAWA, EIJI HASHIDA, SUGURU TSUCHIMOTO, NORIYUKI NAKANISHI, YUJI MATSUNAGA,

> and YOSHIMI OKADA

Junior Party, (Patent 5,618,699),

MAILED

MAY - 5 2004

PAT & T.M OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

THOMAS H. TURPEN, STEPHEN J. REINL, and LAURENCE K. GRILL

Senior Party (Application 09/057,016).

Patent Interference No. 105,149

Order - Rule 662

Before: SPIEGEL, MOORE, and POTEATE, Administrative Patent Judges.

MOORE, Administrative Patent Judge.

v.

JUDGMENT PURSUANT TO 37 CFR § 1.662

Upon consideration of Paper 18 (Request for Adverse Judgment) and the disclaimer of claims 16 and 17 of Patent 5,618,699 by junior party HIROSHI HAMAMOTO, YOSHINORI SUGIYAMA, NORIAKI NAKAGAWA, EIJI HASHIDA, SUGURU TSUCHIMOTO, NORIYUKI NAKANISHI, YUJI MATSUNAGA, and YOSHIMI OKADA, it is hereby:

ORDERED that judgment on priority as to Count 1 (Paper 1, page 6), the only count in the interference, is awarded against junior party HIROSHI HAMAMOTO, YOSHINORI SUGIYAMA, NORIAKI NAKAGAWA, EIJI HASHIDA, SUGURU TSUCHIMOTO, NORIYUKI NAKANISHI, YUJI MATSUNAGA, and YOSHIMI OKADA.

FURTHER ORDERED that junior party HIROSHI HAMAMOTO,
YOSHINORI SUGIYAMA, NORIAKI NAKAGAWA, EIJI HASHIDA, SUGURU
TSUCHIMOTO, NORIYUKI NAKANISHI, YUJI MATSUNAGA, and YOSHIMI
OKADA is not entitled to a patent containing claims 16 and 17 (corresponding to Count
1) of patent 5,618,699.

FURTHER ORDERED that a copy of this paper shall be made of record in files of application 09/057,016 and patent 5,618,699.

FURTHER ORDERED that if there is a settlement agreement, attention shall be directed to 35 U.S.C. § 135(c), 37 CFR § 1.661, and 37 CFR §1.666.

CAROL A. SPIEGEL)
Administrative Patent Judge)

TAMES T. MOORE

Administrative Patent Judge

) BOARD OF PATENT

) APPEALS

) AND

) INTERFERENCES

LINDA R. POTEATE

Administrative Patent Judge

May 5, 2004 Arlington, VA cc: (via Fax and US Mail)

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